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Luc E. Julia

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EXAMINER

HOSSAIN, FARZANA E

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,914

Applicant(s)

JULIA ET AL.

Examiner

Farzana E. Hossain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8-18-06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 15-18 and 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-12, 15-18 and 21-40 is/are rejected.
- 7) ☐ Claim(s) 1, 4, 8 and 34-37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to communications filed 08/18/2006. Claims 1-12, 15-17 are amended. Claim 18 is original. Claims 13,14, 19, 20 are cancelled. Claims 21-40 are new.

Response to Arguments

2. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claim 1 is objected to because of the following informalities: Claim recites, "changing at least a state of anyone of a plurality of connected devices." The examiner would first like to point out that "anyone" is in the claim. The examiner suggests -- changing at least a state of one of a plurality of connected devices--.

Appropriate correction is required.

4. The following claims are objected to because of the following informalities:

a. Claim 4 recites "a palmtop." The examiner suggests --the palmtop--.

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- b. Claim 8 recites, "palm top." The examiner suggests -- palmtop--.
- c. Claims 34-37 recite "interactive, multimedia signal." The examiner suggests --interactive multimedia signal--.
- d. Claim 37 recites "wireless." The examiner suggests --wirelessly--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-7, 21, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang et al (US 6,437,836 and hereafter referred to as "Huang").

Regarding Claim 1, Huang disclose a method for interacting with a connected satellite device or a television (TV) or a VCR (Column 5, lines 22-30), the method comprising: communicating over a network with a palmtop computer including an operating system for enabling use of the palmtop computer independent of the device (Figure 2, 211); receiving from the palmtop computer over the network, a signal that corresponds to the command (Column 5, lines 22-30); changing at least a state of one

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of a plurality of connected satellite devices based on the command (Column 5, lines 22-30), resulting in one or more of the plurality of connected satellite devices being interfaced with the palmtop computer over the network (Column 5, lines 22-30).

Regarding Claim 2, Huang discloses all the limitations of Claim 1. Huang disclose that each of the plurality of connected satellite devices is selected from a group consisting of a television, a video playback device (A VCR is a playback device) and a video recorder, and an appliance (TV or VCR) (Column 5, lines 26-31). An appliance can be any device that is operated by electricity.

Regarding Claim 3, Huang discloses all the limitations of Claim 1. Huang disclose that the palmtop computer includes a graphical interface (Figure 5).

Regarding Claim 4, Huang discloses all the limitations of Claim 1. Huang discloses the palmtop computer that is operable by a user includes wirelessly transmitting the signal corresponding to the command onto the network for the connected satellite device (Column 5, lines 15-16).

Regarding Claim 5, Huang discloses all the limitations of Claim 4. Huang discloses the connected satellite device is a TV and changing at least a state of the device includes at least one of changing a channel of the television (Column 5, lines 28-29) and switching the TV on (Figure 6, 601).

Regarding Claim 6, Huang discloses all the limitations of Claim 4. Huang discloses a graphical interface (Figure 1, Figure 5) and a component for establishing a wireless link (Column 5, lines 15-21, Column 6, lines 1-3).

Regarding Claim 21, Huang discloses all the limitations of Claim 1. Huang discloses changing at least a state of the device includes at least one or more of changing switching the device or TV on (Figure 6, 601) and control a function of the device such as changing the channel or the volume (Column 5, lines 26-28, 45-52).

Regarding Claim 22, Huang discloses all the limitations of Claim 1. Huang discloses that the connected satellite device is a multimedia playback device or VCR and changing at least a state of the device includes causing the playback device to record a particular content (Column 5, lines 29-31).

7. Claims 7, 23, 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al (US 2005/0028208 and hereafter referred to as "Ellis").

Regarding Claim 7, Ellis discloses a system for interacting with a display device (Figure 2a, 24, 22), the system comprising: a palmtop computer (Figure 5, paragraph 0059) connected to a network (Figure 2a, 19, Page 7, paragraph 0094), wherein the palmtop computer includes a graphic user interface (Page 7, paragraph 0092), and palmtop computer inherently includes an operating system as the palmtop computer uses as the operating system makes the computer functional to perform all necessary functions (Page 7, paragraph 0092, Figure 2a). Ellis discloses the palmtop computer being operable to receive an input corresponding to a command (Page 7, paragraph 0069), wherein the palmtop computer transmits a signal corresponding to the command over the network (Page 13, paragraph 0138, Figure 2a, 19); a display device connected to the network (Figure 2a, 22, 19, Figure 3, 36), wherein the display device displays

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multimedia content (Page 6, paragraph 0080), and a receiver provided with the display device (Figure 2a, 22, Figure 3, 28), wherein the receiver is configured to receive a television transmission from one of a broadcast or digital cable connection (Page 4, paragraph 0068), and wherein the receiver is interconnected to the palmtop computer through the network (Figure 2a, 19), to receive the signal transmitted by the palmtop computer (Page 13, paragraph 0138, Figure 2a, 19); wherein the receiver is configured to receive the signal from the palmtop computer and to transmit the signal to the display device to change a state of the display device (Page 13, paragraph 0138, Figure 2a, 19).

Regarding Claim 23, Ellis discloses all the limitations of Claim 7. Ellis discloses that the receiver is provided by a set top box (Figure 3, 28).

Regarding Claim 24, Ellis discloses all the limitations of Claim 7. Ellis discloses that the receiver is provided with a display device or a personal computer television (Page 7, paragraph 0088).

8. Claims 8-12, 15-17, 25, 26, 30-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Harrison et al (US 2004/0045039 and hereafter referred to as "Harrison").

Regarding Claims 8, 15, 30, 32, 34 and 38, Harrison discloses a method for interacting with a display device (Figure 9a, 42), method for interacting with a television system (Figure 9a, 34), and a system for providing TV content, the methods and systems comprising: a receiver receiving an interactive TV signal for use in a TV system from a provider (Figure 9a, 36, Figure 9c, 36, Page 2, paragraph 0031, Pages 6-7,

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paragraphs 0067, 0069), displaying content from the TV signal on the display device wherein the content corresponds to the program (Page 2, paragraph 0032, Pages 6-7, paragraphs 0067, 0069), wherein the interactive TV signal includes an interactive component or associated data (Pages 6-7, paragraphs 0067, 0069); while the display device displays the TV signal (Pages 6-7, paragraphs 0067, 0069), transmitting at least a portion of the interactive component to a palmtop computer or hand held associated display and request input interface device (hand held device) using a network or wireless medium (Pages 6-7, paragraphs 0067, 0069); displaying the interactive content on the palm top computer (Pages 6-7, paragraphs 0067, 0069, Figure 7, 208), wherein the interactive content corresponds to the content displayed on the display device (Page 2, paragraph 0032, Page 4, paragraph 0045), wherein the palmtop computer includes a graphic user interface (Figure 7, 208) and the hand held device inherently includes an operating system as the palmtop computer uses as the operating system makes the computer functional to perform all necessary functions of displaying associated data and allowing interaction by the user (Figure 7, Page 7, paragraph 0071). Harrison discloses receiving and processing an input from the palmtop computer corresponding to the user interacting with the interactive component (Page 6, paragraph 0062, Page 7, paragraph 0071, Figure 7, 204). Regarding Claims 30 and 32, Harrison disclose receiving from a network, input corresponding to user manipulating a palmtop computer that is in communication with the network to interact with events that occur as part of the program (Page 4, paragraph 0051, Page 5, paragraph 005, Page 6, paragraphs 0062 – 0065, Page 7, paragraph 0071).

Regarding Claim 9, Harrison discloses all the limitations of Claim 8. Harrison discloses the interactive content received at the palmtop computer is response to the TV signal received for display on the device (Page 2, paragraph 0032, Page 4, paragraph 0045).

Regarding Claim 10, Harrison discloses all the limitations of Claim 8. Harrison discloses displaying the interactive content simultaneous with displaying content from the TV signal (Page 3, paragraphs 0036-0037).

Regarding Claim 11, Harrison discloses all the limitations of Claim 8. Harrison discloses the display device is a TV (Figure 9a, 42, Figure 9c, 42).

Regarding Claims 12 and 18, Harrison discloses all the limitations of Claims 8 and 15 respectively. Harrison discloses receiving the interactive content on the palmtop computer includes receiving the interactive content from a network (Figure 9a, Figure 9c, Page 2, paragraph 0033).

Regarding Claim 16, Harrison discloses all the limitations of Claim 15. Harrison discloses that the TV system includes a television combined with a separate set top box (Figure 9a) or an integrated set top box (Figure 9d).

Regarding Claim 17, Harrison discloses all the limitations of Claim 15. Harrison discloses displaying the portion of the interactive component on the palmtop computer (Figure 9a, Figure 9c).

Regarding Claim 25, Harrison discloses all the limitations of Claim 8. Harrison discloses that receiving a TV signal includes receiving an interactive TV signal and

wherein displaying interactive content includes displaying the interactive content from the TV signal (Pages 6-7, paragraphs 0067, 0069, Figure 7, 208).

Regarding Claim 26, Harrison discloses all the limitations of Claim 25. Harrison discloses that receiving the interactive content from a network includes receiving the interactive content from the Internet or World Wide Web pages (Page 4, paragraph 0045).

Regarding Claims 31 and 33, Harrison discloses all the limitations of Claim 30 and 32 respectively. Harrison discloses receiving an interactive signal is an interactive television signal that is communicated through a broadcast, digital cable connection or the Internet (Page 2, paragraph 0033).

Regarding Claim 35, Harrison discloses all the limitations of Claim 34. Harrison discloses communicating at least a portion of the interactive multimedia signal to a palmtop computer is performed while displaying content from the interactive multimedia signal on a display device (Figure 9a, Figure 9c, Page 3, paragraphs 0036-0037).

Regarding Claim 36, Harrison discloses all the limitations of Claim 34. Harrison discloses communicating at least a portion of the interactive multimedia signal to a palmtop computer includes transmitting the portion of the interactive multimedia signal through a network that includes a wireless link to the palmtop computer (Figure 9a, Figure 9c).

Regarding Claim 37, Harrison discloses all the limitations of Claim 34. Harrison disclose that communicating at least a portion of the interactive multimedia signal to a

palmtop computer includes wirelessly transmitting the portion of the interactive multimedia signal to the palmtop computer (Figure 9a, 102, Figure 9c, 102).

Regarding Claim 39, Harrison discloses all the limitations of Claim 38. Harrison discloses a display device displaying content from the TV signal (Figure 9a, 42, Figure 9b, 42).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 27-29, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Ellis.

Regarding Claim 27, Harrison discloses all the limitations of Claim 17. Harrison is silent on the interactive component includes a program listing. Ellis discloses a system for interacting with a display device (Figure 2a, 24, 22), the system comprising: a palmtop computer (Figure 5, paragraph 0059) connected to a network (Figure 2a, 19, Page 7, paragraph 0094), wherein the palmtop computer includes a graphic user interface (Page 7, paragraph 0092), and palmtop computer inherently includes an operating system as the palmtop computer uses as the operating system makes the computer functional to perform all necessary functions (Page 7, paragraph 0092, Figure 2a). Ellis discloses the palmtop computer being operable to receive an input

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corresponding to a command (Page 7, paragraph 0069), wherein the palmtop computer transmits a signal corresponding to the command over the network (Page 13, paragraph 0138, Figure 2a, 19); a display device connected to the network (Figure 2a, 22, 19, Figure 3, 36), wherein the display device displays multimedia content (Page 6, paragraph 0080), and a receiver provided with the display device (Figure 2a, 22, Figure 3, 28), wherein the receiver is configured to receive a television transmission from one of a broadcast or digital cable connection (Page 4, paragraph 0068), and wherein the receiver is interconnected to the palmtop computer through the network (Figure 2a, 19), to receive the signal transmitted by the palmtop computer (Page 13, paragraph 0138, Figure 2a, 19). Ellis discloses receiving an interactive TV signal for use in a TV system, the interactive signal includes an interactive component (Figure 2a, Page 4, paragraphs 0067-0069) and that the interactive component includes a program listing (Figure 7, Figure 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Harrison to include that that the interactive component includes a program listing (Figure 7, Figure 8) as taught by Ellis in order to allow a portable method to interactively select programs (Page 1, paragraphs 0002, 0006) as disclosed by Ellis.

Regarding Claim 28, Harrison and Ellis disclose all the limitations of Claim 27. Ellis discloses that the program listing is from an Internet site such as Internet web links (Page 4, paragraph 0067).

Regarding Claim 29, Harrison and Ellis disclose all the limitations of Claim 27. Ellis discloses the interactive component corresponds to an electronic program guide (EPG) (Figure 2a, Figure 2c, Figure 7, Figure 8).

Regarding Claim 40, Harrison discloses all the limitations of Claim 38. Harrison is silent on the palmtop computer is operable to enable a user to communicate a command for the display device or the receiver. Ellis discloses that the palmtop computer is operable to enable a user to communicate a command for the display device or the receiver (Page 13, paragraph 0138). See rejection of Claim 27. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Harrison to include the palmtop computer is operable to enable a user to communicate a command for the display device or the receiver (Page 13, paragraph 0138) as taught by Ellis in order to allow a portable method to interactively select programs, change settings on the EPGs within a household (Page 1, paragraphs 0002, 0006, 0012) as disclosed by Ellis.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH
October 2, 2006



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